THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.20202 of 2006

DATED 27.09.2006

Between:
Smt. Ghousia Begum. … PETITIONER

versus

Municipal Corporation of Hyderabad,
represented by its Commissioner,
Tank Bund, Hyderabad and another. … RESPONDENTS

WRIT PETITION NO.20202 of 2006

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in refusing to consider application of the petitioner for building permission for construction of building in Pr.No.16-11-16/L/4/A on plot No.4 in S.Nos.36 and 24 situated at Teegalaguda, Malakpet, Hyderabad, as it is not accompanied with No Objection Certificate from the District Collector, Hyderabad, as illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents to consider and process the application for building permission without insisting No Objection Certificate and pass such other suitable orders.

3. Several factual details are narrated in the affidavit filed in support of the Writ Petition. It is stated that the petitioner is the absolute owner and possessor of the house property admeasuring 333.33 square yards along with old house therein in Pr. No.16-11-16/L/4/A on plot No.4 in S.Nos.36 and 24 situated at Teegalaguda, Malakpet, Hyderabad. It is also stated that the respondent-Corporation refused to receive the same on the pretext that the petitioner's building

permission was not accompanied with No Objection Certificate and by saying that in TSLR the property of the petitioner was recorded as Government property.

4. It is needless to say that in view of the decision of this Court in HYDERABAD POTTERIES PRIVATE LIMITED vs. COLLECTOR, HYDERABAD DISTRICT AND ANOTHER[1], MCH has no authority to insist on the production of No Objection Certificate from the revenue authorities. It is also needless to say that as far as the objections are concerned, the petitioner has to satisfy the respondent-Corporation by producing the necessary documents.

5. Accordingly the Writ Petition is disposed of directing the respondents to consider the application of the petitioner for building permission for construction of building in the subject matter of the Writ Petition without insisting upon the production of No Objection Certificate from the revenue authorities and the petitioner also to satisfy the respondent-Corporation with the other conditions on production of necessary records. However, it is made clear that the entries in TSLR alone cannot be the criteria provided the petitioner is able to satisfy the respondents by production of all the other satisfactory material. No costs.

27.09.2006

SSR
Issue order copy tomorrow.
(BO)

---

[1] 2001(3) ALD 600.